

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JUSTIN COSBY,

Plaintiff,

v.

CHICAGO POLICE OFFICER GABRIEL
RODRIGUEZ (#12737), SUPERINTENDENT
DAVID BROWN, and CITY OF CHICAGO,

Defendants.

Case No. 1:23-cv-02236

Judge Rebecca R. Pallmeyer

Magistrate Judge Jeffrey T. Gilbert

PARTIES' SECOND JOINT MOTION TO MODIFY SCHEDULING ORDER

Pursuant to Fed. R. C. Rule 16(b)(4), the Parties jointly move this Court for entry of an order extending the close of discovery on Mr. Cosby's individual claims from March 22, 2024, to July 1, 2024, so that discovery on Plaintiff's individual and *Monell* claims would close at the same time. Should this motion be well taken, Defendant Rodriguez will withdraw the pending motion to compel (Doc. 73). In further support of this motion, the Parties state as follows:

1. This Court entered a scheduling order on January 12, 2024, setting the close of fact discovery for July 1, 2024, and the expert disclosure deadlines for July 31, 2024 (Plaintiff) and August 30, 2024 (Defendants) (Doc. 69). On January 18, 2024, this Court set a March 22, 2024, deadline to complete fact discovery on Mr. Cosby's individual claims against Defendant Rodriguez. (Doc. 72).

2. Mr. Cosby has been dealing with a serious health condition that required hospitalization. As a result of this, he had been unable to participate in this litigation from early January 2024 until last Friday, February 2, 2024.¹

3. Despite the Plaintiff's condition, counsel for the Parties have continued to work diligently to meet this Court's deadlines. On Thursday, February 1, 2024, Plaintiff supplemented his interrogatory responses. Plaintiff was released from the hospital on Friday, February 2, 2024. He further supplemented his discovery responses and provided verifications on Sunday, February 4, 2024. Plaintiff served written Monell discovery on Friday, February 9, 2024. On February 16, 2024, the Parties have scheduled a meet and confer to discuss what the Plaintiff has alleged are deficiencies in the City of Chicago's discovery responses.

4. With regard to depositions, Plaintiff's deposition remains tentatively scheduled for March 6, 2024. However, depending on Plaintiff's health, his deposition may be rescheduled for a later date. On January 26, 2024, Plaintiff proposed dates for the Defendant Officer's deposition. Counsel for the Defendant officer is in the process of confirming a date for that deposition. In addition to the depositions of the Plaintiff and Defendant officer, depositions for a number of fact witnesses need to be scheduled. For these reasons, the parties seek additional time to complete discovery.

5. The parties recognize that this Court has advised them to move this case expeditiously and they have attempted to do so. However, circumstances out of their control necessitate this request to modify the existing scheduling order. The parties respectfully request that this court modify the scheduling order and set the close of fact discovery to July 1, 2024 for all claims.

¹ Plaintiff's Counsel is prepared to provide the Court further details about Mr. Cosby's health in an filing under seal consistent with the HIPPA Protective Order in this matter.

WHEREFORE, for the foregoing reasons, the Parties respectfully request that this Court enter an Amended Scheduling Order to extend the close of fact discovery for all claims to July 1, 2024.

Respectfully Submitted,

For Plaintiff:

/s/ Sheila A. Bedi

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